

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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07/02/01 07/02/01

EXAMINER

EX-3247  
COMMISSIONER OF PATENTS AND TRADEMARKS  
1900 L ST. NW, STOP A  
WASHINGTON, DC 20231

RPT01/0702

ART UNIT	PAPER NUMBER
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DATE MAILED:

07/02/01

29

**Please find below and/or attached an Office communication concerning this application or proceeding.****Commissioner of Patents and Trademarks**

<b>Interview Summary</b>	Application No. <b>08/498,002</b>	Applicant(s) <b>HARVEY et al</b>
	Examiner <b>William Luther</b>	Group Art Unit <b>2664</b>

All participants (applicant, applicant's representative, PTO personnel):

(1) William Luther (3) \_\_\_\_\_  
 (2) Donald J. Lecher (4) \_\_\_\_\_

Date of Interview Feb 1, 2001

Type:  Telephonic  Personal (copy is given to applicant applicant's representative).

Exhibit shown or demonstration conducted:  Yes  No. If yes, brief description:

Agreement  was reached.  was not reached.

Claim(s) discussed: \_\_\_\_\_

Identification of prior art discussed:

n/a

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:  
see attached.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1.  It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2.  Since the Examiner's interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this completed form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign and stamp this form unless it is an attachment to a signed Office action.

**WILLIAM LUTHER**  
**PRIMARY EXAMINER**  
**ART UNIT 2664**

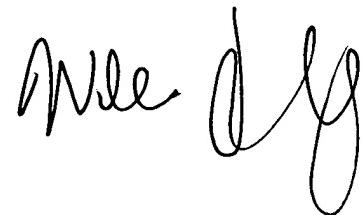
Counsel Lecher complained that one month is not enough time for applicants to respond to the recent 38-page notice (the "notice") of non-responsive which included an explanation for why applicants' amendments do not appear to be bona-fide and also why applicants may be deficient in fees or owed a refund (supported with a 577-page appendix)(i.e., a total of 614 pages).

However, the primary examiner does not understand how applicants believe one month is not enough time to respond to the 614-page notice in view of applicants' current Petition to the Commissioner under 37 C.F.R. § 1.181, filed March 7, 2000, in the portfolio application no.08/470,571 ('571)?<sup>1</sup>

The primary examiner assumes that applicants would take the position that the Petition to the Commissioner was not in bad faith and not disingenuous. Under this assumption then, applicants appear to believe that it is possible to process and respond to a 614-page notice in 30% of one month, or 9 days (i.e. 614 pages is 30% of 2000 pages). How do applicants expect the primary examiner to respond to applicants' +2000-page amendments in one month time if applicants cannot respond to a 614-page notice in one month time? It appears to be 3 times more possible for applicants to respond in one month than for the primary examiner to respond in one month.

Nevertheless, applicants can purchase an extension of time beyond one month in order to file any response to the 614-page notice. Applicants are reminded that they now have informed the U.S.P.T.O. that their originally filed claims make applicants' portfolio applications large entity. Applicants are reminded that any such extension should be paid for with large entity fees.

Primary Examiner  
William Luther



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<sup>1</sup>Applicants have petitioned that the U.S.P.T.O. respond to applicants' submitted +2000-page amendments for their portfolio in a one month period (see e.g., the '571 2000-page amendment filed June 7, 2000).